IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

MISC.CIVIL APPLICATION No 651 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

DR. SUREKHA MAKWANA

Versus

CHANDRAKANT MAKWANA

Appearance:

1. Misc.Civil Application No. 651 of 2004

MR MANAV A MEHTA for Petitioner No. 1

MR HRIDAY BUCH for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE P.B.MAJMUDAR

Date of decision: 13/09/2004

ORAL JUDGEMENT

Rule. Mr.Buch, learned advocate waives service of Rule on behalf of the respondent.

With the consent of the parties, the matter is

taken up for final disposal today.

By filing this petition, the petitioner has prayed that C.M.A.No.7 of 2004, which is pending before the Family Court at Ahmedabad, may be transferred to the District Court at Vadodara.

The petitioner is the wife of the respondent. The case of the petitioner is that she is having a three-and-a-half year old daughter, who is residing with her at Vadodara. It is submitted that it is difficult for the petitioner to come to Ahmedabad to attend the case. As per the averments in the application, two cases are already pending before the Court of Civil Judge (S.D.) at Vadodara. Under these circumstances, it is submitted that the aforesaid application, being C.M.A. No.7 of 2004, pending before the Family Court at Ahmedabad, may be transferred to the District Court at Vadodara.

Considering the facts and circumstances of the case, and considering the fact that the petitioner is having a small child, C.M.A.No.7 of 2004, which is pending before the Family Court at Ahmedabad, is ordered to be transferred to the District Court, Vadodara. After such transfer, the District Judge, Vadodara may assign the same to the appropriate Court for deciding the same in accordance with law.

This Misc.Civil Application is accordingly allowed. Rule is made absolute. No costs.

Writ to be sent to the Family Court at Ahmedabad for transferring C.M.A.No.7 of 2004 to the District Court at Vadodara.

(P.B.Majmudar,J.)
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